

**REMARKS**

In accordance with the above amendments, the specification has been amended to delete a cross reference and, in the claims, claim 1 has been amended. Claims 1-7, 10 and 13-15 remain under consideration in the present application. Claims 8-9, 11-12 and 16 having been deemed withdrawn from further consideration as being directed to a non-elected species/invention by the Examiner.

Cancellation of the material on page 7 should overcome the objection to the specification.

**Claim Rejection Under 35 USC § 102(b).**

Claims 1-7, 10 and 13-15 have been rejected as being anticipated by USPN 1,468,535 issued to Laskey. That reference illustrates and describes a candy extrusion device having a rectangular die opening crossed by a series of spaced parallel irregular partition members 31 connected to a holder plate 16. The partition members 31 have perforations 1 and 2 which extend through them as shown in Figure 4. The die of the cited reference is utilized to extrude a series of parallel ribbons or bars of candy of a zig-zag shape while at the same time air is forced through the holes to make the candy ribbons or bars porous. Laskey clearly teaches the extrusion of a plurality of spaced parallel ribbons of candy of substantially equal width which requires a rectangular die structure. Also, the infusion of air into the candy requires a series of minute air passages in

all the spaced parallel members 31.

In contrast, the present inventors disclose and claim (as amended) a die blank having a generally round central passage therethrough which contains an array of solid die pins carried by a webbing structure and arranged in one or more generally circular patterns for importing a pattern of perforations in material forced through the passage. Air is not infused into the material nor are there passages through the perforation forming pins.

It is well known that in order for a patent to qualify as a reference supporting a § 102(b) rejection, it must disclose each and every limitation of the rejected claim. It is settled that even slight differences between the compared inventions prevent a rejection based on lack of novelty under § 102. Thus, anticipation under 35 USC § 102 requires that the cited reference demonstrates each and every element of the claimed invention. This, the reference does not do.

For example, Laskey does not teach a die blank having a generally round central passage, it being clear from that disclosure that a generally round passage would preclude the extrusion of parallel ribbons or bars of candy of substantially the same width. Furthermore, Laskey teaches infusion of air from die partitions which contain protrusions with air passages through them. Were these passages solid as in the manner of the pins of the present claims, they would not be able to function in the

manner required by Laskey. Thus, not only does Laskey clearly not anticipate claim 1, his device could not be modified to do so without destroying its usefulness for his purposes. Since all the claims remaining under consideration depend in some way from claim 1, these cannot be anticipated either. Accordingly, withdrawal of the present rejection under 35 USC § 102(b) is respectfully requested.

Entry of the amendment, reconsideration, favorable action and early allowance of all the claims under consideration in the application are respectfully requested. If any minor matters remain, it is respectfully requested that the Examiner contact the undersigned by telephone so that possible minor changes may be discussed and resolved in order to expedite the prosecution of this case.

Respectfully submitted,

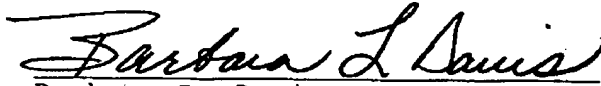
NIKOLAI & MERSEREAU, P.A.



C. G. Mersereau  
Registration No. 26205  
820 International Centre  
900 Second Avenue So.  
Minneapolis, MN 55402  
(612) 339-7461

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the foregoing Amendment submitted in response to the Official Action dated August 26, 2005 and Transmittal Letter in application Serial No. 10/698,091, filed on October 31, 2003, of William J. Worrell, Jr., et al, entitled "PROPELLANT EXTRUSION DIE" are being sent by facsimile transmission to: The Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2005.



Barbara L. Davis  
on behalf of C. G. Mersereau  
Attorney for Applicant

Date of Signature: October 27, 2005